IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

WRIT PETITION NOs : 20497 of 1994, and 26204 1998

Writ Petition No.20497 of 1994:

Between:

B.Pandurangaiah, S/o. B.Munaswamy Reddy.
R/o. Tirupathi, Chittoor.

..... PETITIONER

AND

The Registrar, Sri Padmavathi Mahila Visvavidyalayam,
Tirupathi, Chittoor.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or direction declaring the orders of the respondent issued in proceedings No. 1306/Estt/E/96 dated 26/02/1993 terminating the services of the petitioner as illegal and consequentially direct the respondents to regularize the services of the petitioner into the post of Pump-Operator or any other equivalent post from the date on which the services of his juniors were regularized with all consequential benefits.

WRIT PETITION NO : 26204 of 1998

Between:

B.Pandurangaiah, S/o. B.Munaswamy Reddy,
R/o Tirupathi, Chittoor District.

..... PETITIONER

AND

Sri Padmavathi Mahila Visvavidyalayam, rep. by its Registrar.
Tirupathi, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the Memo. No.1508/Estt/E/NT/98 dated 05/09/1998 issued by the Respondent as illegal and arbitrary and direct the Respondents to continue the petitioner in service by regularizing his services in any suitable post.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

(in both the writ petitions)

Counsel for the Respondent: SMT.M.LAKSHMI KUMARI

(in both the writ petitions)

The Court made the following

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COMMON ORDER:

Both the above writ petitions are taken up for analogous hearing. It is an old matter of 1998. None has appeared on behalf of the respondent-University nor any representation is made on their behalf. No counter affidavit has also been filed.

The case of the petitioner is that he was appointed as Work-Maistry on 09-10-1986 on NMR basis and worked as such till 08-07-1990 when he was appointed as Pump Operator on NMR basis. However, his services were terminated by an order dated 26-02-1993 for the reason that report was received from the Circle Inspector of Police, Tirupathi. It is not in dispute that petitioner was involved in criminal case No.421 of 1993. However, the said case ended in acquittal and thereupon, petitioner filed the first writ petition being W.P.No.20497 of 1994 questioning the order of termination and sought for regularization of his services from the date his juniors were regularized. The said writ petition was admitted and interim directions were issued on 21-11-1994 directing the respondent to consider and dispose of the representation submitted by the petitioner. Pursuant thereto, petitioner was taken back into service and since then has been working. Effectively, the first writ petition being W.P.No.20497 of 1994 is rendered infructuous as petitioner was taken back into service.

The grievance of the petitioner, with respect to regularization, however, needs consideration by this Court.

In the second writ petition i.e., W.P.No.26204 of 1998 is against the termination order dated 05-09-1998 whereby petitioner was once again relieved from his duties without notice and without assigning any reasons. An interim order was passed suspending the impugned order of termination.

Petitioner, it is represented, is continuing in service pursuant to the interim orders and now seeks a direction for regularization of his services.

Learned counsel for the petitioner has drawn attention of this Court to an order passed in W.P.No.6383 of 1994 dated

30-01-1995 wherein directions were issued for the reasons contained therein which are as under:

"Sri P.Venkateswarlu, learned counsel for the petitioners submits that these two writ petitions are covered by the Judgment of this Court in **M.ESWAR REDDY Vs. SRI**

VENKATESWARA UNIVERSITY (1982 (2) ALT 437). In that case, my learned brother Jagannadha Rao, J (as he then was) directed the State government and Sri Venkateswara University to prepare a scheme for absorption of the petitioners therein.

Since the present cases also stand on the same footing, following the above-mentioned judgment, a similar direction shall be issued in these cases also directing the Government and Sri Padmavathi Mahila University to prepare a scheme for absorption of the petitioners herein in accordance with the Rules and absorb the petitioners subject to their eligibility, as expeditiously as possible, preferably within a period of six months from the date of receipt of this order."

It is not known whether pursuant to the aforesaid directions any scheme for absorption has been prepared by the respondent-University. As already noticed, none appeared on behalf of the respondent-University nor any counter affidavit has been filed on their behalf. In such view of the matter, instant writ petition is disposed of with a direction upon the respondent-University to consider the claim of the petitioner for regularization of his service, in accordance with the scheme, if any, prepared by the respondent-University. Such consideration shall be made within a period of three months from the date of receipt of a copy of this order.

With the directions as above, W.P.No.26204 of 1998 stands disposed of and W.P.No.20497 of 1994 is dismissed as having become infructuous. No order as to costs.

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M.H.S. ANSARI, J

24th February, 2005

lsn/ars

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Registrar, Sri Padmavathi Mahila Visvavidyalayam,
Tirupathi, Chittoor District.

2. Two CD copies.